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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**CASCADIA WILDLANDS, et al.,**

Plaintiffs,

v.

**DOUG DECKER**, in his official capacity as  
Oregon State Forester with the Oregon  
Department of Forestry, *et al.*,

Defendants,

and

**OREGON FOREST INDUSTRIES  
COUNCIL, et al. and ASSOCIATION OF  
OREGON COUNTIES,**

Defendant- Intervenors.

Case No.: 3: 12cv00961-AA

**JOINT STATUS REPORT OF THE  
PARTIES**

Pursuant to the Court's Order of September 6, 2013, Plaintiffs, State Defendants, and Oregon Forest Industries Council, *et al.* Defendant-Intervenors (hereafter the Parties) submit the following Joint Status Report:

1. Counsel for Defendant-Intervenor Association of Oregon Counties was not reached and did not respond to discussions about this filing. As a result, this report is not filed on their behalf.

2. On August 29, 2013 State Defendants filed a motion to dismiss on the ground that this case is moot (Dkt No. 110).

3. On September 5, 2013, the Parties filed a joint status report seeking to set aside the September 16, 2013 deadline for filing responses to State Defendants' motion so that the Parties could pursue settlement discussions and have additional time to respond to the motion. Plaintiffs and Defendant-Intervenors indicated their intention to file their own dispositive motions.

4. Since that time, the Parties have conferred on potential dates for a settlement meeting, discussed Plaintiffs' proposed settlement of the case and determined that a written proposal was necessary, and talked about how to proceed in light of State Defendants' pending motion.

5. On September 24, 2013, Plaintiffs provided State Defendants and Defendant-Intervenors with a draft Joint Stipulation of Dismissal without Prejudice and their proposed terms for settling this case.

6. State Defendants are considering the terms under which Plaintiffs will agree to dismiss the case. It is not yet clear whether or not the parties' settlement discussions will be successful.

7. State Defendants have not yet provided a date certain by which they will respond to Plaintiffs' proposal. Plaintiffs are also waiting for certain information from the State that is necessary to analyze the State's claims of mootness.

8. It is Plaintiffs' position that briefing on State Defendants' motion should not commence while the Parties continue to discuss settling this case. In their view, it is a waste of the Parties' and the Court's limited resources to proceed with briefing in this case while also attempting to settle this matter. Moreover, State Defendants have provided no compelling reason why briefing should take place while settlement negotiations are on-going. Plaintiffs worked to have their attorneys available on October 22, 2013 for a settlement conference and their principals available by phone on that date. Plaintiffs propose that the Parties file a joint status

report proposing dates for briefing State Defendants' motion on October 23, 2013, or before that date, if it becomes apparent they will not settle this matter.

9. Plaintiffs do not concur in the briefing schedule proposed by State Defendants below. This schedule has Plaintiffs' filing due less than a week after the proposed settlement conference and would require Plaintiffs to simultaneously be working to settle this matter while briefing their response to State Defendants' motion. Plaintiffs respectfully request that if the Court wishes briefing to proceed that it provide the Parties time to work out a schedule that will work with counsel's existing litigation schedules and not interfere with settlement discussions. Plaintiffs are willing to agree to a stay of discovery during the Parties' settlement negotiations.

10. State Defendants do not agree to stay briefing on their motion and request that a definite briefing schedule to be set. State Defendants propose the following:

October 11: Deadline for Defendant-Intervenors to file motion to dismiss (if any);

October 28: Deadline for Plaintiffs to file response to motions to dismiss and any related motion;

November 14: Deadline for State Defendants and Defendant-Intervenors to file replies and responses to Plaintiffs' motion (if any);

December 2: Deadline for Plaintiffs to file reply on their motion (if any).

Week of December 9: Oral argument on all pending motions.

11. State Defendants' proposal gives Plaintiffs two full months in which to prepare a response to the State Defendants' motion and all the time that is required under the Rules to file a response to Defendant-Intervenors' motion (if any).

12. State Defendants also propose that the Court enter an order staying discovery until the Court rules on the pending motion to dismiss. State Defendants have produced over 212,000 pages of documents. In light of the actions taken by the State Defendants that culminated in the filing of their motion to dismiss as well as the status of settlement discussions, State Defendants

do not believe spending further efforts on discovery would assist the parties in any way to resolve this case.

Respectfully submitted this 30th day of September, 2013,

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